Michael Fuller, OSB No. 09357
Special Counsel for Plaintiff
Olsen Daines PC
US Bancorp Tower
111 SW 5th Ave., Suite 3150
Portland, Oregon 97204
michael@underdoglawyer.com
Direct 503-201-4570

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

Jason Layne Cobb, Debtor. ______ **Jason Layne Cobb,** Plaintiff, v. **ADP, LLC** and **Columbia Debt Recovery, LLC,** Defendants.	Case No. 17-31406-tmb13 Adv. Proc. No. **COMPLAINT**

1.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1334 because the automatic stay arises under Title 11.

2.

Defendant ADP, LLC is a Delaware limited liability corporation and a repeat violator of the automatic stay in this District. ADP, LLC received actual notice of the automatic stay on April 25, 2017, and ADP, LLC ignored direct requests from plaintiff and plaintiff's employer to stop garnishing plaintiff's wages. As in case 13-06023-tmr and 17-06032-tmr, ADP, LLC continues its willful refusal to abide by the automatic stay.

3.

Defendant Columbia Debt Recovery, LLC is a Washington limited liability corporation. Columbia Debt Recovery, LLC received actual notice of the automatic stay on April 21, 2017, and Columbia Debt Recovery, LLC ignored a direct request from plaintiff to stop garnishing his wages.

4.

Plaintiff Jason Layne Cobb filed for bankruptcy protection under Chapter 13 of Title 11 in case number 17-31406-tmb13 in the District of Oregon on April 18, 2017.

5.

Venue is proper because defendants repeatedly attempted to collect pre-petition debt from plaintiff while he was under the protection of the Oregon Bankruptcy Court's automatic stay.

6.

NATURE OF CLAIM

Plaintiff's automatic stay claim is a core proceeding under 28 U.S.C. § 157(b)(2) and plaintiff consents to entry of final orders and judgments by the Oregon Bankruptcy Court in this adversary proceeding.

7.

FACTUAL ALLEGATIONS

This complaint's allegations are based on personal knowledge as to plaintiff's conduct and made on information and belief as to the acts of others.

8.

Each defendant received actual notice of the automatic stay in plaintiff's bankruptcy case.

9.

After receiving notice that plaintiff had filed bankruptcy, and that the automatic stay in plaintiff's case applied to plaintiff's pre-petition debt, and that the automatic stay prohibited defendants from continuing to garnish plaintiff's wages to collect pre-petition debt, and that plaintiff was represented by an attorney, defendants intentionally harassed plaintiff by refusing to stop garnishing his wages and refusing to return the wages seized after he filed bankruptcy.

10.

Defendants' conduct as alleged above caused plaintiff loss of wages, interfering with plaintiff's ability to support his children as a single dad, and caused plaintiff severe stress, anxiety, helplessness, trouble eating and sleeping, body pain and tension in his upper back and shoulders, upset stomach, and other emotional harm separate from the average stress of the normal bankruptcy process.

11.

Defendants' conduct as alleged above was in pursuit of profit, and constituted a wanton, outrageous and oppressive violation of plaintiff's right to be free from collection activities during bankruptcy.

12.

CAUSE OF ACTION

11 U.S.C. § 362(k)

Plaintiff incorporates the allegations above by reference.

13.

11 U.S.C. § 362(a) imposed an affirmative duty on defendants to promptly terminate all collection of pre-petition debt against plaintiff upon learning that he filed bankruptcy. Defendants' violation of 11 U.S.C. § 362(a) as alleged above was "willful" as that term is defined in the Ninth Circuit because their acts and omissions were intentional, they had prior actual knowledge of the automatic stay, their conduct was unreasonable, and any alleged mistake of law was not a defense.

14.

Under 11 U.S.C. § 362(k), plaintiff is entitled to compensation for actual damages, proportional punitive damages, and reasonable fees and costs from defendants in amounts to be decided by the Court.

15.

PRAYER FOR RELIEF

After a stipulation or determination that defendants willfully violated the automatic stay, plaintiff seeks relief as follows:

A. **Money Judgment** in favor of plaintiff against defendants for actual damages and punitive damages, and for reasonable fees and costs incurred prosecuting this adversary proceeding.

Plaintiff also seeks any equitable relief this Court may determine is fair. He may intend to amend his complaint to include additional defendants and claims and file related cases under non-bankruptcy laws as new information is learned through discovery.

May 8, 2017

RESPECTFULLY FILED,

/s/ Michael Fuller

Michael Fuller, OSB No. 09357
Special Counsel for Plaintiff
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US Bancorp Tower
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Portland, Oregon 97204
michael@underdoglawyer.com
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